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April 4, 2023

DELIVERED VIA ECF

Honorable Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 705
New York, NY 10007

Case Title: *Klauber Brothers, Inc. v. Walmart, Inc. et al.*
Re: **1:22-cv-08087-PGG**
Request to Adjourn Conference

Your Honor:

As you know, this office represents Plaintiff Klauber Brothers, Inc. ("Klauber"), in the above-referenced action. We write to respectfully request an adjournment of the initial pretrial conference, currently scheduled for April 6, 2023 at 10:30 a.m. On February 24, 2023, the Court granted Klauber's prior request to adjourn the initial pretrial conference until April 6. (Dkt. #24.)

The Court has previously granted Klauber's request to extend the deadline to restore Walmart, Inc. as a defendant until April 18, 2023. (Dkt. #26) And Klauber is currently engaged in good faith settlement negotiations with the remaining Defendants in this case. Furthermore, the attorney scheduled to attend the April 6 conference on behalf of Klauber has since left our office. The remaining attorney who has appeared in this case on behalf of Klauber, Scott Alan Burroughs, is currently outside the United States and will be unable to appear in person on April 6. Pro hac vice appearance for additional counsel from our office is currently pending but will most likely not be approved prior to the currently scheduled conference on April 6. In the interest of preserving judicial efficiency, Klauber respectfully requests that the pretrial conference be adjourned indefinitely, or in the alternative, to afford Klauber the opportunity to be represented by counsel at the initial pretrial conference, it be adjourned for 14 days until April 20, 2023, or a date thereafter convenient for the Court.

This is the second request to adjourn the initial pretrial conference with the newly named defendants. The previous request was granted by the Court. (Dkt. #24.) Two previous requests to adjourn the initial pretrial conference with Walmart were granted to allow time for settlement discussions with Walmart. (Dkt. #17.) Defendants have consented to this requested adjournment.

We thank Your Honor for your consideration of this request.

Respectfully submitted,

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs

MEMO ENDORSED: The
conference currently scheduled for
April 6, 2023 is adjourned to **May 4,**
2023 at 10:00 a.m.

DONIGER / BURROUGHS
Attorney for the Plaintiff

IT IS SO ORDERED.

Dated: April 5, 2023

Paul G. Gardephe

Honorable Paul G. Gardephe, U.S.D.J.